

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

GROUNDMETRICS, INC., a California  
Corporation,

Plaintiff,

v.

WELLS FARGO & COMPANY, a  
Delaware corporation; WELLS FARGO  
INSURANCE SERVICES USA, INC., a  
North Carolina corporation; DOES 1-50  
Inclusive,

Defendants.

Case No.: 3:16-cv-01083-H-MDD

**JUDGMENT IN FAVOR OF  
PLAINTIFF GROUNDMETRICS,  
INC.**

On August 15, 2017, this action came before the Court for a jury trial with the Honorable Marilyn L. Huff presiding. (Doc. No. 78.) Attorneys Marc D. Adelman and Brian Worthington represented Plaintiff GroundMetrics Inc. Attorneys David Shapiro and Joseph C. Campo represented Defendants Wells Fargo and Company and Wells Fargo Insurance Services USA, Inc.

The issues have been tried, and on August 18, 2017, the jury rendered its unanimous verdict on the following questions:

1           1.     Was Wells Fargo Bank National Association Negligent? Was Wells Fargo  
2 Insurance Services USA, Inc. negligent?

3           **The jury answered: Yes for both defendants.**

4           2.     Was Wells Fargo Bank National Association's negligence a substantial factor  
5 in causing harm to GroundMetrics? Was Wells Fargo Insurance Services USA, Inc.'s  
6 negligence a substantial factor in causing harm to GroundMetrics?

7           **The jury answered: No for Wells Fargo Bank National Association and yes for**  
8 **Wells Fargo Insurance Services USA, Inc.**

9           3.     What are Groundmetrics's total damages?

10          **The jury answered: \$1,329,548 in economic damages, not including attorney's**  
11 **fees and \$322,706 in attorney's fees.**

12          4.     Was GroundMetrics negligent?

13          **The jury answered: Yes.**

14          5.     Was Groundmetrics's negligence a substantial factor in causing its harm?

15          **The jury answered: Yes.**

16          6.     Was Lincoln National Life Insurance Company Negligent? Was  
17 ING/ReliaStar negligent?

18          **The jury answered: No for both entities.**

19          9.     What percentage of responsibility for Groundmetrics's harm do you assign to  
20 the following: Wells Fargo Bank National Association; Wells Fargo Insurance Services  
21 USA, Inc.; GroundMetrics, Inc.; Lincoln National Life Insurance Company; ING/ReliaStar  
22 Insurance Company?

23          **The jury answered: 75 percent to Wells Fargo Insurance Services USA, Inc.**  
24 **and 25 percent to GroundMetrics, Inc. As to all other entities, 0 percent.**

25          10.    Is Wells Fargo Bank National Association the alter ego of Wells Fargo  
26 Insurance Services USA, Inc.?

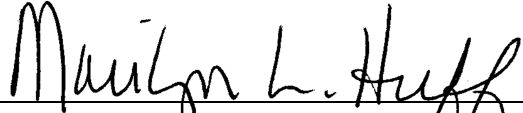
27          **The jury answered: No.**

28 (Doc. No. 91.)

1 The jury verdict was in Plaintiff's favor on the only cause of action asserted at trial.  
2 Accordingly, pursuant to the jury's findings, the Court enters judgment in favor of Plaintiff  
3 and awards Plaintiff \$1,239,190.50 in damages plus costs as allowed by law.

4 **IT IS SO ORDERED.**

5 DATED: August 28, 2017

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7 MARILYN L. HUFF, District Judge  
8 UNITED STATES DISTRICT COURT  
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